

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

APPLETON PAPERS INC. and)
NCR CORPORATION,)
)
 Plaintiffs,)
)
 v.) No. 08-CV-00016-WCG
)
GEORGE A. WHITING PAPER COMPANY, *et al.*,)
)
 Defendants.)

**CIVIL L. R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION FOR ADDITIONAL
EXTENSION OF TIME TO FILE PROPOSED FINAL JUDGMENT**

In the October 4, 2012 Order, the Court directed the parties to confer and file a proposed final judgment, or explain why agreement could not be reached. (Dkt. #1437 at 9.) As explained in NCR's October 15, 2012 Motion for Extension of Time (Dkt. #1439), which the Court granted (Text Order (Oct. 16, 2012)), a number of open issues remain that preclude entry of a final judgment at this time. Over the past week, NCR and other parties have continued working in good faith to resolve the open issues, but further discussions are still needed. NCR continues to believe that most, if not all, of the issues can be resolved through agreement of the parties. A brief update about the status of the issues is below.

NCR respectfully moves the Court to extend the deadline for filing a joint proposed final judgment, or explaining why agreement could not be reached, until Monday, October 29, 2012. NCR has confirmed that the following parties do not oppose this motion: API; Georgia-Pacific; CBC Coating, Inc; P.H. Glatfelter Company; Menasha Corp.; U.S. Paper Mills Corp.; City of Appleton; Kimberly-Clark Corp.; City of Green Bay; Brown County; Green

Bay Packaging; Green Bay Metropolitan Sewerage District; the Proctor & Gamble Paper Products Company; International Paper Company; Neenah Foundry; and Leicht Transfer & Storage Co. Today, NCR notified the other parties of record about the motion, and as of this filing, none of them has informed NCR that it plans to oppose the motion.

Status of Open Issues

1. NCR stipulated with CBC Coating, Inc. as to the amount of the judgment to be entered against NCR. (Dkt. #1450.) NCR and CBC respectfully request that the Court enter the Proposed Order filed with the Stipulation. (Dkt. #1450-1.)
2. NCR has also been negotiating with both Glatfelter and WTM as to insurance offset issues. Those discussions are ongoing, and specific proposals are being considered by the parties' clients.
3. There are open issues as to certain *De Minimis* Defendants. Some of them have counterclaims that remain pending, and others have counterclaims that were previously dismissed *without* prejudice. NCR and API (collectively, "Plaintiffs") submitted a specific proposal to the *De Minimis* Defendants to resolve these issues. Plaintiffs' proposal involves the mutual dismissal of claims and counterclaims *with* prejudice. The parties are in the process of finalizing an agreement.
4. Menasha previously dismissed its counterclaim against Plaintiffs for past costs *without* prejudice. Plaintiffs and Menasha are in the process of finalizing an agreement that would resolve this issue.

5. Kimberly-Clark also previously dismissed its counterclaim against Plaintiffs *without* prejudice. Plaintiffs and Kimberly-Clark are in the process of finalizing an agreement that could resolve this issue without the need for further briefing.

6. Brown County's and City of Green Bay's motions for summary judgment as to Plaintiffs' contribution claims are still pending. (See Dkt. #1080 at 28-29.) City of Green Bay also has a counterclaim pending against NCR, which has not been the subject of a dispositive motion. The parties are in the process of finalizing an agreement that could resolve these issues without the need for further briefing.

* * *

NCR and the other parties will file stipulations as they are finalized. NCR will bring any other issues of which NCR becomes aware to the attention of the Court on or before October 29, 2012.

Dated: October 22, 2012

Respectfully submitted,

NCR CORPORATION

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